

IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA

**KACI IRVIN, an individual,
Plaintiff,**

vs.

STATE OF OKLAHOMA
CLEVELAND COUNTY } S.S.

FILED

APR 03 2021 Case No. CJ-2021-335(w)

GMRI, INC. d/b/a OLIVE GARDEN)
d/b/a OLIVE GARDEN ITALIAN RESTAURANT, In the office of the
and) Court Clerk MARILYN WILLIAMS
OLIVE GARDEN HOLDINGS, LLC,)
Defendants.)

VERIFIED PETITION

COME NOW Plaintiff, Kaci Irvin (“Plaintiff”), and for her causes of action against Defendants (“Defendants”), hereby states and alleges as follows:

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff is an individual residing in Cleveland County, Oklahoma.
2. Defendant GMRI, Inc. Olive is a foreign for-profit corporation doing business as Olive Garden Italian Restaurant in the State of Oklahoma.
3. Defendant Olive Garden Holdings, LLC, is a foreign for-profit corporation, which is currently conducting business operations in the State of Oklahoma.
4. The District Court of Cleveland County has jurisdiction over the parties and the subject matter involved herein, and venue is proper in this Court.

FACTUAL BACKGROUND

5. Plaintiff incorporates by reference each and every allegation in Paragraphs 1 through 4 above as if fully set forth herein.
5. On October 14, 2019, Plaintiff went to eat at the Olive Garden located at 117 Ed Noble Pkwy, Norman, Oklahoma.
6. Plaintiff ordered a margarita but advised her server that she was allergic to tequila and requested vodka instead.

7. Defendants' representative acknowledged the request, however, failed or refused to observe reasonable care and the beverage was prepared with tequila.

8. Shortly after consumption, Plaintiff began to have an allergic reaction where her skins turned bright red with a rash in the restaurant. Plaintiff immediately went to the hospital for treatment.

9. Plaintiff has suffered injuries, mental and physical, as a result of Defendants' negligence.

FIRST CAUSE OF ACTION
(Negligence)

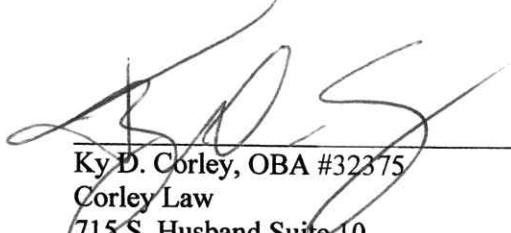
10. Plaintiff incorporates by reference each and every allegation in Paragraphs 1 through 9 above as if fully set forth herein.

11. Defendant owed Plaintiffs a duty to not cause damage to Plaintiff after being alerted to her allergy and failed to observe reasonable care by exposing Plaintiff to same.

12. Defendant's breach of the duty of care owed to Plaintiff caused damages to Plaintiff, both mental and physical, and Plaintiff has been damaged in an amount in excess of \$75,000.00.

WHEREFORE, premises considered, Plaintiff respectfully requests judgment on her claim for negligence in an amount in excess of \$75,000.00, or an amount to be determined at trial, together with costs and interest as allowed by law, and such other and further relief as the Court deems equitable and proper.

Respectfully submitted,



Ky D. Corley, OBA #32375
Corley Law
715 S. Husband Suite 10
Stillwater, Oklahoma 74074
Telephone: (405) 338-9306
Facsimile: (405) 377-6363
Attorney for Petitioner

VERIFICATION

STATE OF OKLAHOMA)
) ss.
COUNTY OF PAYNE)

Ky D. Corley, of lawful age, being first duly sworn upon oath, deposes and states that he is the attorney for the Plaintiff, in the above-entitled cause of action; that he has read the above and foregoing Plaintiff's Petition, that he has discussed same with Plaintiff, and she has read and knows the contents thereof and the allegations contained therein; and says the same are true and correct to the best of his knowledge and belief.

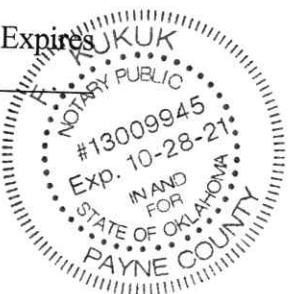
Ky D. Corley

Subscribed and sworn to before me this 5th day of April, 2021.

Notary Public

Commission N. _____

My Commission Expires



MAY 17 2021